**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****111****FAO-4302-2023 (O&M)**
Date of decision: 20.01.2026**Sarabjeet Singh****...Appellant(s)****Vs.****Puneet Chawla and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Dhruv Khanna, Advocate
for the appellant.

NIDHI GUPTA, J.**CM-14204-CII-2023**

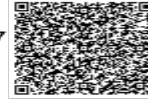
Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 62 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant, the same is allowed and delay of 62 days in filing the appeal is condoned.

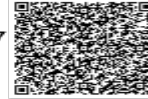
FAO-4302-2023 (O&M)

The present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.4,39,656/- awarded by the learned Motor Accident Claims Tribunal, Rupnagar (for short "the learned Tribunal") vide Award dated 17.12.2022 passed in MACP Case No. 29 dated 04.02.2020 filed under Section 166 of the Motor Vehicles Act, 1988.



2. Brief facts of the case are that the Id. Tribunal on the basis of evidence adduced by the parties concluded that the appellant had suffered injuries in a motor vehicular accident that took place on 08.12.2019 at about 11:00 a.m. due to the rash and negligent driving of a Car bearing registration No. PB-23-A-1010 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum. All the respondents were jointly and severally held liable to pay the amount of compensation.

3. Learned counsel for the appellant seeks enhancement of compensation by submitting that income of the appellant has been assessed on the lower side as only Rs.9,000/- p.m. It is submitted that even as per the relevant Notification, income of unskilled worker was Rs.10,453/-. Thus, income of the deceased ought to have been assessed at least as ₹10,453/- per month. Furthermore, prior to the accident, appellant was working as a labourer. However, due to injuries suffered by him and the resultant permanent disability of 15%, appellant is unable to do his work. Yet, the Tribunal has taken functional disability of the appellant as only 15%; whereas in view of the fact that appellant is unable to do his work, the same should have been taken as 100%. Even rate of interest is on the lower side. The amounts awarded under the other heads are also on the lower side. It is accordingly prayed that the present Appeal be allowed; and impugned Award be modified and compensation be enhanced in above terms.



4. No other argument is raised on behalf of the appellant. I have heard Id. counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellant.

5. It was alleged in the Claim Petition that in the accident in question, appellant had received “*grievous injuries on his both legs as well as on other part of his body.*” As per the evidence on record, appellant had examined PW4 Dr. Yuvraj Singh Medical Officer Specialist, Orthopedic, Civil Hospital, Rupnagar, who had issued Disability Certificate Ex.P15, as per which, appellant had suffered 15% permanent disability in relation to his hip, right arm and right leg. Although it has been contended on behalf of the appellant that as a result of the injuries and permanent disability sustained by him, appellant is unable to do his work, however, there is no such evidence to this effect. Appellant has been unable to point out any opinion of the Doctor to the effect that appellant shall not be able to continue with his work as before. In this view of the matter, I find no error in the assessment of functional disability as 15% as assessed by Id. Tribunal.

In similar circumstances, Hon’ble Supreme Court in **Kamal Dev Prasad v. Mahesh Forge, (SC) : Law Finder Doc Id # 2724810, decided on 29.04.2025** has held that “*Disability compensation under Employees’ Compensation Act must account for functional disability, not just physical impairment, and aggregation of injuries must not exceed total disablement compensation.*”

6. It was the pleaded case of the appellant before the learned Tribunal that prior to the accident, appellant was working as Mason and

was earning more than Rs.20,000/- p.m. It has further been contended on behalf of the appellant that income of the appellant has been taken on the lower side as only Rs.9,000/- p.m.; and the same ought to have been taken as Rs.10,453/- p.m. as per the relevant Notification. However, despite direct Court query, appellant has not produced any such Notification. Thus, in my view, income of the appellant has also been correctly assessed by the learned Tribunal. Age of the appellant was determined to be 47 years, 6 months and 13 days at the time of accident as his date of birth on record was 25.05.1972. Accordingly, learned Tribunal had correctly made an addition of 25% towards future prospects. Further, appellant had produced medical bills/receipts Ex.P2 to Ex.P5, Ex.P7, Ex.P8 to Ex.P22 for total amount of Rs.22,328/- which was duly reimbursed to him. Learned Tribunal had further observed that in view of the injuries suffered by the appellant, he would not have been able to work for 6 months and thereby granted loss of income of Rs.54,000 (Rs.9,000 x 6). Accordingly, learned Tribunal has calculated the compensation in the following manner: -

Sr. No.	Head of Claim	Amount
1.	Monthly Income	Rs.9,000/-
2.	Future prospects @25%. (The date of birth of injured is 25.05.1972 i.e. 47 years 6 months and 13 days at the time of accident).	Rs.9000/- +Rs.2,250/- = Rs.11,250/-
3.	Loss on account of disability @ 15%	Rs.1688/-
4.	Multiplicand	Rs.1688/- x 12 = Rs.20,256/-
5.	Total dependency after applying multiplier of 13	20,256 x 13 = Rs.2,63,328/-
6.	Loss of income	9000 x 6 = Rs.54,000/-
7.	Medical bills	Rs.22,328/-

8.	Pain and sufferings	Rs.50,000/-
9.	Special diet and attendant charges	Rs.30,000/-
10.	Transportation charges	Rs.20,000/-
	Total	Rs.4,39,656/-

7. Thus, nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the Hon’ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. Hon’ble Supreme Court in ‘**State of Haryana Vs. Jasbir Kaur**’ Law Finder Doc ID # **64043** and ‘**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**’ (2003) 7 SCC 197, has held that the amount of compensation should be just and reasonable, it should neither be a bonanza nor a source of profit but at the same time it should not be a pittance. In case of ‘**General Manager, KSRTC Vs. Susamma Thomas and others**’ (1994) 2 SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

8. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed**.

9. Pending application(s), if any, also stand(s) disposed of.

20.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No